

AMENDMENT

Kindly amend the application, without prejudice, without admission, without surrender of subject matter, and without any intention of creating any estoppel as to equivalents, as follows. Attached is a marked up version of the changes made to the claims by this amendment, captioned "Version With Markings to Show Changes Made."

In the Claims

Please amend the claims as follows:

- B1
1. (Amended) An isolated nucleic acid molecule with the function of a caryopsis-specific promoter, which nucleic acid molecule:
 - a) comprises the nucleic acid sequence defined by Seq ID No. 1 or deposited by DSM 13398 (plasmid p 11/1);
 - b) comprises one or more sequence elements selected from the group consisting of
 - i) cacgcaaagg cgcgctggcc agccacgac (Seq ID No. 2);
 - ii) agaaacaac aaacaacaa aaaagt (Seq ID No. 3);
 - iii) ccttcagga cgatgctcg gtccttaag acacctacc ttgtgtcta tgacatgtga gccaacag atggct (Seq ID No. 4);
 - iv) cccgtctagg cgttcggtgt ccggcc (Seq ID No. 5);
 - v) caggagcct tcga (Seq ID No. 6);
 - vi) tcagccagtt ccacccgtg cacg (Seq ID No. 7) and
 - vii) tactctggtc atgttaa (Seq ID No. 8);
 - c) comprises a functional portion of the nucleic acid sequence stated under a);
 - d) comprises a sequence which hybridizes under stringent conditions with at least one of the nucleotide sequences stated under a) and/or b); and/or
 - e) comprises a sequence which has approx. 75-99% identity with one of the nucleic acid sequences stated under a).
 2. (Amended) The isolated nucleic acid molecule as claimed in claim 1, which is a promoter that is active in plants.
 3. (Amended) An expression cassette comprising the isolated nucleic acid molecule as claimed in claim 1.